



Docket No.: C038435/0196793

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Daniel RAEDERSTORFF *et al.*)
Application No.: 10/573,222) Examiner: C.R. Tate
Filed: March 23, 2006) Art Unit: 1655
For: **COMPOSITIONS FOR THE TREATMENT**)
AND PREVENTION OF DIABETES MELLITUS)

New York, NY
January 9, 2009

COMMUNICATION ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is to point out that the the Request for Continued Examination ("RCE") filed herewith is timely filed. There is an error in the Advisory Action that issued December 2, 2008 ("the Advisory Action"), regarding the period for reply. The Examiner indicated that the period for reply expires 6 months from the mailing date of the final rejection. The Examiner did not acknowledge in the Advisory Action that a Notice of Appeal accompanied the Response to Final Action Including Amendment and Petition for Extension of Time. The Notice of Appeal was mailed on November 12, 2008, with a certificate of mailing under 37 CFR § 1.8. The Notice of Appeal is found in the Patent Application Information Retrieval ("PAIR") on-line database with a US Patent and

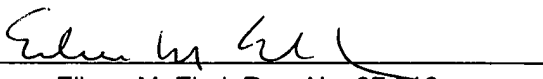
Trademark Office date stamp of receipt of November 17, 2008, thereon, a copy of which is attached as Exhibit A in duplicate as in PAIR.

In view of the foregoing, it is submitted that the accompanying RCE is timely filed.

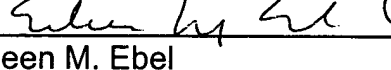
It is believed that no fees for extension are due. If a fee for extension is due, please charge our Deposit Account Number 02-4467. A duplicate copy of this page is enclosed.

If any other fees are due, please charge our Deposit Account Number 02-4467.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box. 1450 Alexandria, VA 22313-1450, on January 9, 2009.


Eileen M. Ebel, Reg. No. 37,316

Respectfully submitted,

By: 
Eileen M. Ebel
Registration No. 37,316
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, NY 10104
(P) (212) 541-2194
(F) (212) 541-4630


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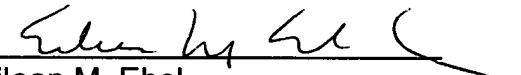
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